

REMARKS

This Amendment is submitted in response to the Final Office Action mailed December 23, 2005. Claims 1-9 remain pending in the application prior to this amendment and stand rejected. Claim 1 has been amended, and claims 5, 8 and 9 have been canceled herein.

Applicants would like to thank the Examiner, Jonathan Werner, and Primary Examiner Melba Bumgarner, for the personal interview with Applicants' representative, David W. Dorton, on February 1, 2006. During the interview, claims 1, 5 and 8 were discussed with respect to the references of record, particularly U.S. Patent No. 6,923,761 to Dorfman. The Examiner agreed that proposed amendments to claim 1, including the incorporation of subject matter presently recited in claim 5, appears to overcome the references of record, as noted in the Interview Summary and discussed more fully below. Applicants respectfully request reconsideration in view of the amendments made herein in accordance with the interview and the remarks set forth below.

Claims Rejected Under 35 U.S.C. §102

Claim 8 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Nos. D496,995 and 6,923,761 to Dorfman. Claim 8 has been canceled, without prejudice, by this amendment. Accordingly, Applicants respectfully request that the rejection of claim 8 under 35 U.S.C. §102 be withdrawn.

Claims Rejected Under 35 U.S.C. §103

Claims 1-4, 6, 7 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dorfman '995 and Dorfman '761. Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Dorfman '995 and Dorfman '761 in further view of U.S. Patent No. 5,199,872 to Leal.

Claim 1 is the only independent claim of this rejected group and claims 5 and 9 have been canceled herein, without prejudice. Claim 1 is directed to a cheek and lip retractor and has been amended to recite that the lip shield defines a first curved surface for receiving the lip of a patient therein, that each mucosa pad comprises "an elongate arm having a first axial end coupled to said lip shield and a second axial end cantilevered from said lip shield," and that each mucosa pad comprises "a roll axially slipped on a respective one of said elongate arms." Support for this amendment can be found with reference to the originally filed drawings, and with reference to claim 5, which has been canceled. Accordingly, Applicants assert that no new matter has been added by the amendment to claim 1.

Applicants further assert that amended claim 1 is not taught or suggested by the references of record. Specifically, neither Dorfman '995, Dorfman '761, nor Leal '872, nor any other reference of record, teaches or suggests a cheek and lip retractor having mucosa pads wherein each mucosa pad comprises an elongate arm having a first axial end coupled to a lip shield and a second axial end cantilevered from said lip shield, and wherein each mucosa pad comprises a roll axially slipped on a respective one of the elongate arms, as recited in claim 1 and set forth in the Interview Summary dated

February 1, 2006. Accordingly, Applicants respectfully request early and favorable indication of allowance for amended claim 1. Claims 2-4, 6 and 7 each depend from independent claim 1 and are therefore in condition for allowance for at least the reasons stated above for claim 1. Accordingly, Applicants respectfully request that the rejections of claims 2-4, 6 and 7 be withdrawn.

Conclusion

In view of the foregoing amendments to the claims and the remarks set forth herein, Applicants respectfully believe this case is in condition for allowance and respectfully request allowance of the pending claims. If the Examiner believes any issue requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Applicants are of the opinion that no additional fee is due as a result of this amendment. If any charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,

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